

PROB 12C
(6/16)

Report Date: September 18, 2024

United States District Court
for the
Eastern District of Washington

FILED IN THE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

Sep 18, 2024

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Shelby Nicole Naccarato

Case Number: 0980 2:24CR00011-MKD-1

Address of Offender: [REDACTED] Spokane, Washington 99224

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Mary K. Dimke, U.S. District Judge

Date of Original Sentence: April 26, 2019

Original Offense: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances, 21 U.S.C. § 846

Original Sentence: Prison - 70 months; TSR - 60 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Earl A. Hicks Date Supervision Commenced: December 22, 2023

Defense Attorney: Zach Ayers Date Supervision Expires: December 21, 2028

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 8/12/2024 and 8/27/2024.

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

| | |
|---|--|
| 5 | Mandatory Condition # 1: You must not commit another federal, state or local crime. |
|---|--|

Supporting Evidence: It is alleged that Shelby Naccarato violated the terms of her supervised release by driving under the influence, in violation of RCW 46.61.502, on or about September 14, 2024.

On September 14, 2024, at approximately 7:30 p.m., an officer with the Spokane Police Department responded to a vehicle collision with possible injuries. The officer observed two vehicles in contact with each other in the middle of the intersection. Shelby Naccarato reportedly failed to yield the right of way to an oncoming vehicle when she attempted to make a left turn at a green light.

The officer spoke with Ms. Naccarato. The officer noted that her eyes were very watery and they could smell the odor of alcohol coming from her person. The officer noted her speech was slurred and she was unsteady on her feet, unable to remain standing upright without swaying. She initially denied that she had consumed any alcohol but later admitted that she had been drinking at a friend's house.

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The officer explained to her that they wanted to see if she was safe to be driving and she was cooperative with the process. The officer attempted to take her through the Standardized Field Sobriety Tests (SFSTs), but due to her impairment and later her unwillingness to perform the maneuvers, they were not able to accomplish that. Ms. Naccarato was unable to follow the tip of the officer's finger for the officer to check Horizontal Gaze Nystagmus (HNG) after trying multiple times. After getting her in the starting position for the Walk and Turn, which she was not able to maintain, she decided she did not want to do anymore testing and told me to just take her to jail.

Ms. Naccarato did agree to take a voluntary preliminary breath test (PBT). The results of that test showed a breath alcohol concentration (BAC) of 0.233 at 7:56 p.m. Ms. Naccarato was arrested. She was placed in the back of the patrol car where she was read her Implied Consent Advisory. She did not voice any confusion about the advisory before agreeing to provide the voluntary breath samples.

Ms. Naccarato was transported to the BAC room at the police department. She provided two breath samples. The results of those samples: 1st - .229 (IR) and .231 (EC); 2nd - .228 (IR) and .228 (EC).

Ms. Naccarato was transported to the Spokane County Jail where she was booked and charged for driving under the influence first degree, failure to have insurance while driving a motor vehicle and failure to yield the right of way.

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Special Condition # 5: The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. The defendant shall not knowingly enter any dwelling or house where there is the active or ongoing use, abuse or consumption of alcohol or controlled substances and shall not knowingly enter or stay in any dwelling or house where there is one or more persons who are consuming alcohol or participating in the consumption of alcoholic beverages or controlled substances, without the prior written approval of the supervising probation officer. The defendant shall not knowingly enter any automobile where a person possesses or is consuming alcohol or controlled substances. The defendant is not to have any controlled substances that are not prescribed by a licensed medical doctor and supplied by a licensed medical pharmacy.

Supporting Evidence: It is alleged that Shelby Naccarato violated the terms of her supervised release, by consuming alcohol, on or about September 14, 2024.

On September 14, 2024, at approximately 7:30 p.m., an officer with the Spokane Police Department responded to a vehicle collision with possible injuries. The officer observed two vehicles in contact with each other in the middle of the intersection. Shelby Naccarato reportedly failed to yield the right of way to an oncoming vehicle when she attempted to make a left turn at a green light.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/18/2024

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other

m.k.Dimke 

Signature of Judicial Officer

9/18/2024

Date